

10120 Montana Avenue

City of El Paso — City Plan Commission — 5/17/2018 **Revised**



PZDS18-00005

Detailed Site Plan

STAFF CONTACT: Armida R. Martinez, (915) 212-1605, martinezar@elpasotexas.gov

OWNER: Chafic and Therese Massaad, Fransisco and Cristina Darancou

REPRESENTATIVE: Land Development consultants

LOCATION: 10120 Montana

LEGAL DESCRIPTION: All of Lot 1 and 2, Block 1, Montana and Lorne Commercial District, City of El Paso, El Paso County, Texas

EXISTING ZONING: C-3/sc (Commercial/special contract)

REQUEST: Special Contract: Ordinance No. 5458 dated November 21, 1974
Detailed Site Development Plan Ordinance No. 5458

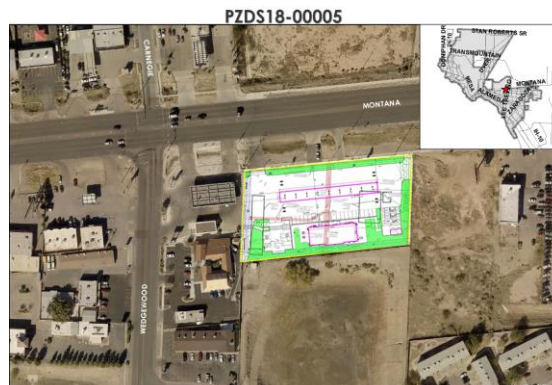
RELATED APPLICATIONS: N/A

PUBLIC INPUT Detailed site development plan does not require public notification as per Section 20.04.520, Notice of El Paso City code.

STAFF RECOMMENDATION: Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The request is for a detailed site development plan review as required by Ordinance No. 5458 dated November 21, 1974 (see Attachment 6) condition #1, *No building permits will be issued for construction on the property until site development and architectural plans of the proposed development thereon have been reviewed and approved by the City Plan Commission of the City of El Paso. Council.* The detailed site development plan proposes a new convenience store with gas pumps on 1.94 acres.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan. The proposed development is consistent with the surrounding commercial development. The new convenience store with a gas pumps will not have a negative impact on its surrounding neighborhood. The proposed development is compliant with the G-4 Suburban, (Walkable) land use designation of Plan El Paso, the City's Comprehensive Plan, in the Eastside Planning Area.



DESCRIPTION OF REQUEST

The applicant has submitted a Detailed Site Development Plan application for the property located South of Montana and East of Wedgewood through the Zoning Section of the Planning and Inspections Department. The detailed site development plan proposes the construction of a new 4,968 sq. ft. convenience store structure, 23 feet and 8 inches in height and 5568 sq. ft. gas pump canopy. The two existing motor vehicle repair structures are to be demolished. The development requires a minimum of 14 parking spaces and a maximum of 20 parking spaces. The applicant is providing 32 parking spaces and 6 bicycle spaces. The development complies with the minimum landscape area requirements of the Title 18.46. Access to the subject property is from Montana and Wedgewood.

RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<u>G-4- Suburban (Walkable)</u> This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but benefit from strategic suburban retrofits supplement the limited housing stock and add missing civic and commercial uses.	Yes, the surrounding properties include different type of commercial uses to include a shopping center, park and single-family dwellings all within walking distance.
ZONING DISTRICT	DOES IT COMPLY?
<u>C-3 (Commercial) District</u> The purpose of these districts is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.	Yes, the proposed development is expanding and relocating an existing convenience store with gas pumps all within an established commercial neighborhood.
POLICY	DOES IT COMPLY?
<u>1.3.1:</u> Most neighborhoods, even new ones, would benefit from a greater variety of activities within walking and bicycling distance. For instance, a greater number of smaller parks are preferable to a few larger ones that are accessible only to those with a private vehicle. Likewise, smaller schools often become the centerpiece of their neighborhoods rather than distant facilities to which most students must be driven or bused each day. This policy is most	This is an existing neighborhood with a variety of mixed uses. Residents in the area may walk to nearby restaurants, shopping center, school and park.

applicable within the G-3 "Post-War" and G-4 "Suburban" growth sectors on the Future Land Use Map.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The lot is 84,506 sq. ft. (1.94 acres), the C-3 (Commercial) district requires a 10 ft. rear setback and side setback when abutting residential development. A convenience store with gas pumps is a permitted use in a C-3 zone.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the C-3 District is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The proposed development is consistent with the surrounding commercial development and will not have a negative impact on its surrounding neighborhood.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: There are existing water and sewer mains available for service. The applicant will need to coordinate with EPWater to provide services to the property.

EFFECT UPON THE NATURAL ENVIRONMENT: Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, Notice of the El Paso code.

STAFF COMMENTS: No objections to proposed Detailed Site Development Plan. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

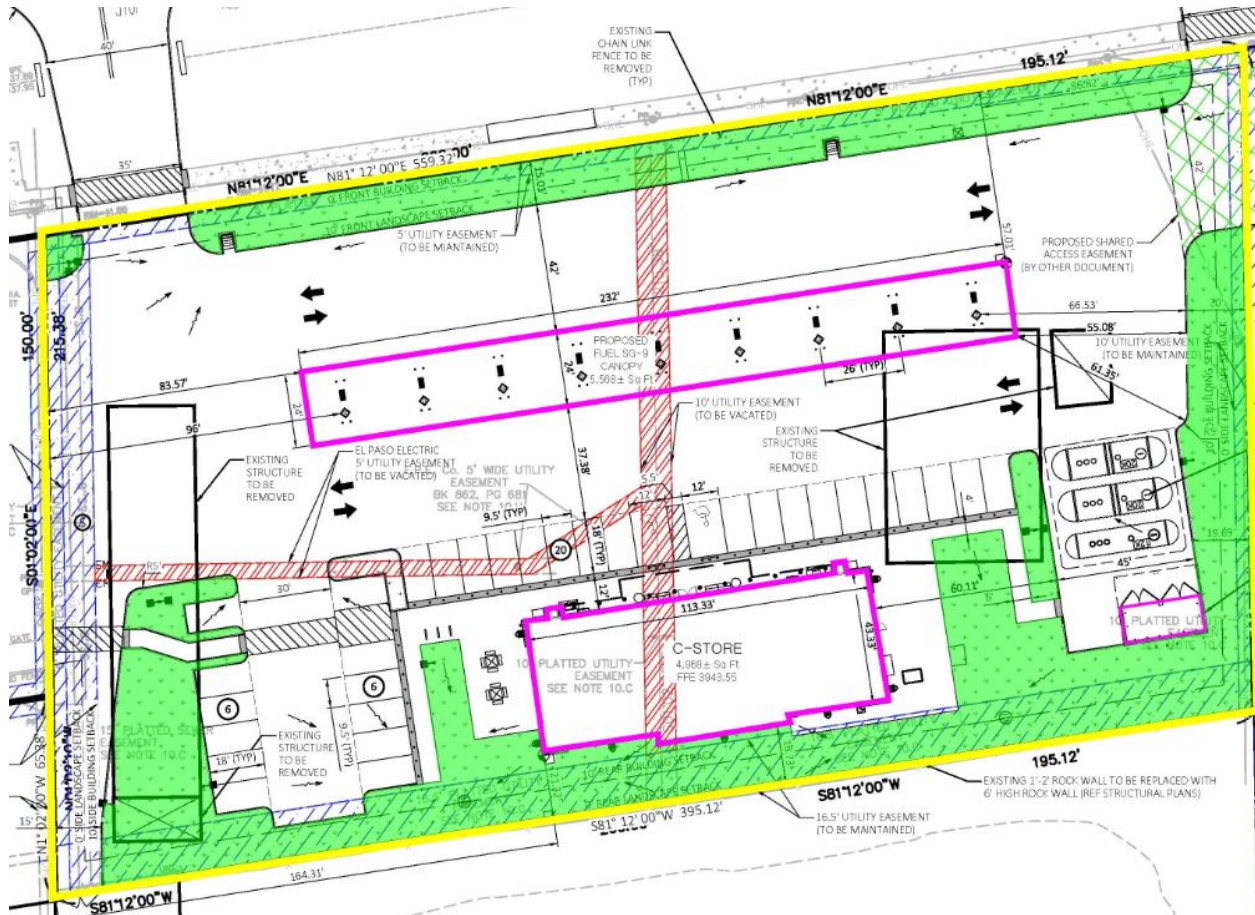
OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

1. Detailed Site Development Plan
2. Elevations
3. Zoning Map
4. Future Land Use Map
5. Department Comments
6. Ordinance No. 5458 dated November 21, 1974

ATTACHMENT 1

Detailed Site Development Plan



ATTACHMENT 2

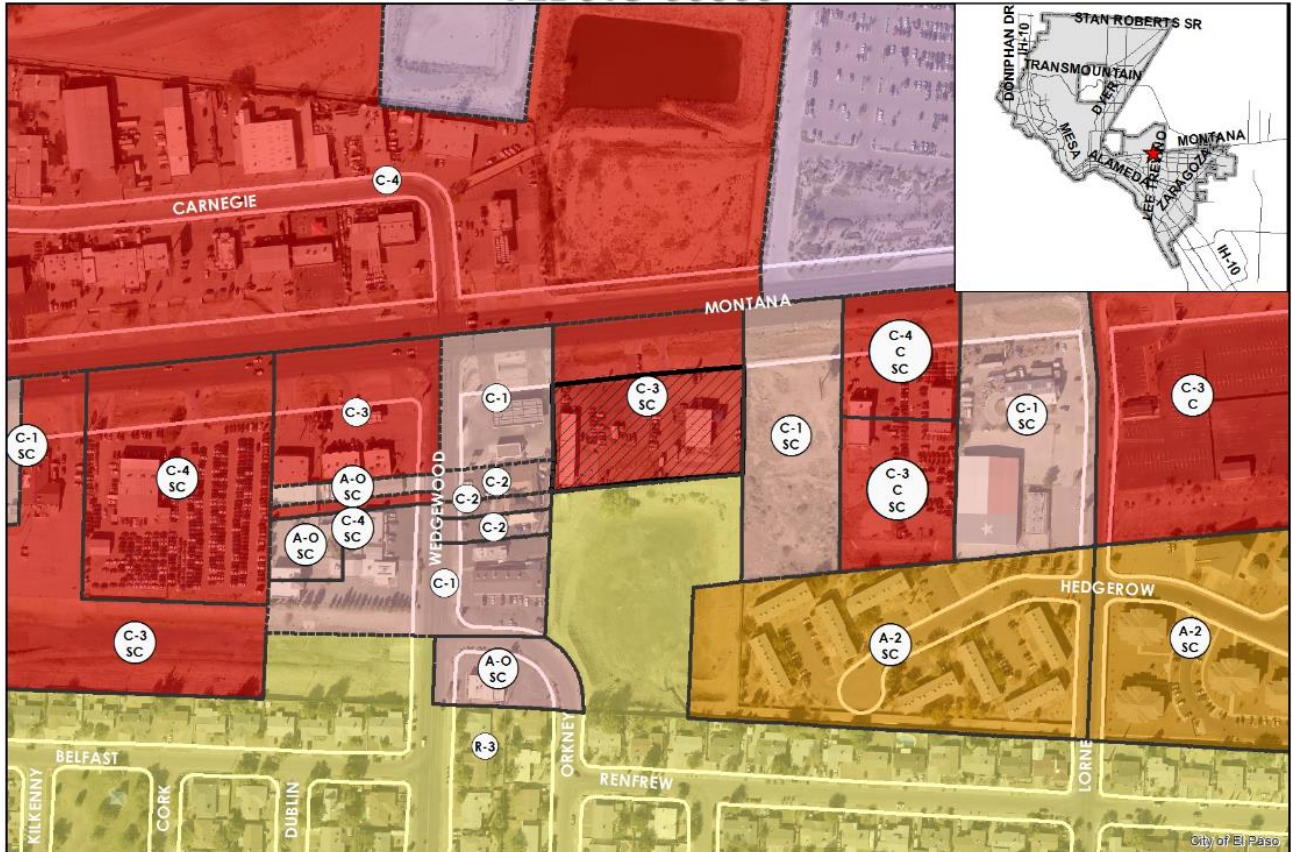
Elevations



ATTACHMENT 3

Zoning Map

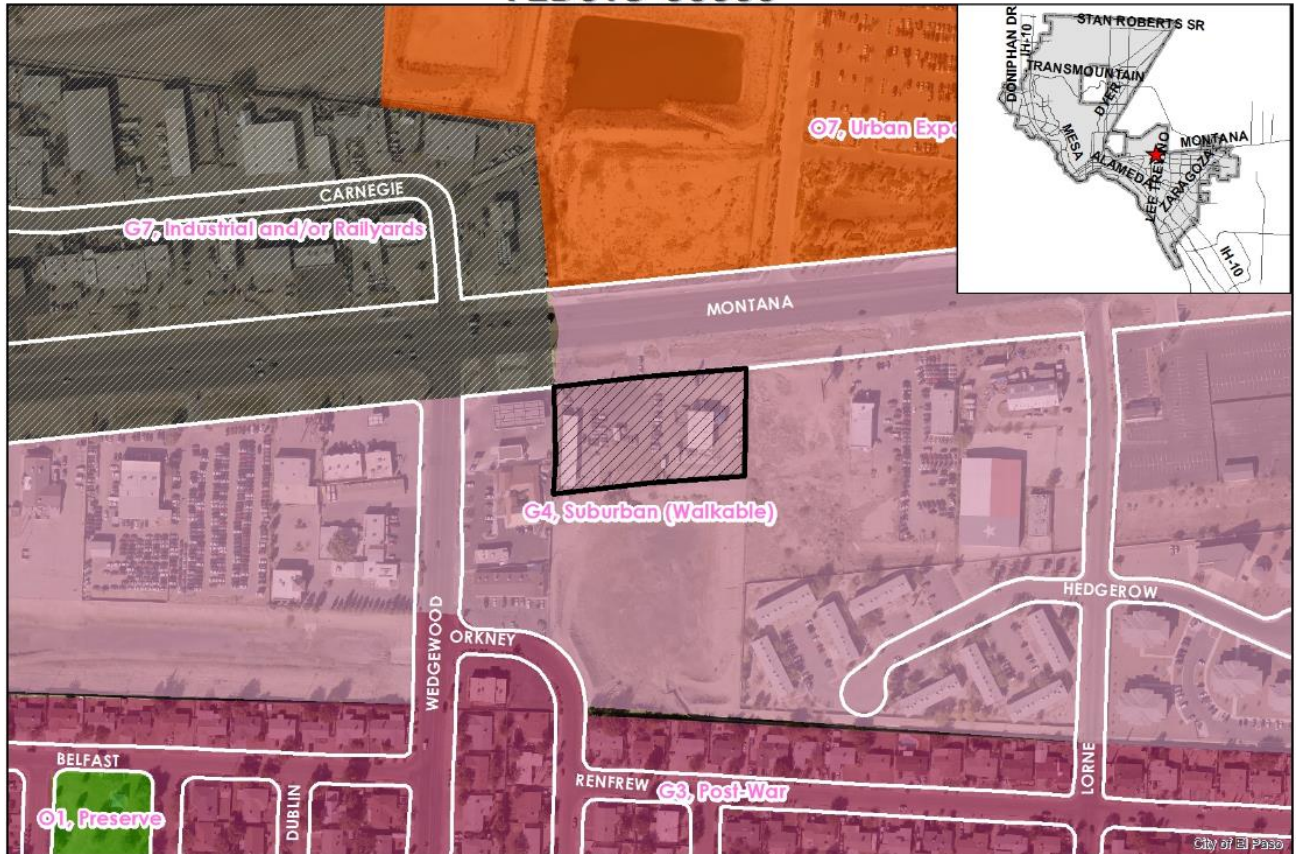
PZDS18-00005



ATTACHMENT 4

Future Land Use Map

PZDS18-00005



ATTACHMENT 5

Department Comments

Planning and Inspections Department – Plan Review

Code requirements must be met at time of building permit submittal.

Planning and Inspections Department – Landscaping Division

Code requirements must be met at time of building permit submittal.

Planning and Inspections Department – Land Development

No objections to the detailed site development plan.

Fire Department

Recommend approval.

Police Department

We do not see any conflicts.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water

El Paso Water (EPWater) does not object to this request.

In the detail site plan presented, access is not adequate for EPWater maintenance vehicles to access the Orkney Lift Station. Access along the existing 15-foot sewer easement shall remain unobstructed.

Water

There is an existing 8-inch diameter water main that extends along the east side of Wedgewood St., approximately 25-feet west of and parallel to the eastern right-of-way line of Wedgewood St. This water main is available for service.

There is an existing 8-inch diameter water main that extends along the south side of Montana Ave., approximately 13-feet north of and parallel to the southern right-of-way line of Montana Ave. This water main is available for service.

There is an existing 24-inch diameter water main that extends along the south side of Montana Ave., approximately 20-feet north of and parallel to the southern right-of-way line of Montana Ave. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

EPWater records indicate three active ¾-inch water meter serving the subject property. The service addresses for these meters are 10100 Montana Ave., 10110 Montana Ave. and 10120 Montana Ave.

EPWater records indicate an active ¾-inch water meter. This meter serves the Orkney Lift station. The service connection extends along an existing 15 foot sewer easement. The service address to this meter is 3366 Wedgewood.

Previous water pressure readings from fire hydrant # 2747 located at the southeast corner of Wedgewood St. and Montana Ave. have yielded a static pressure of 80 pounds per square inch, a residual pressure of 78 pounds per square inch, and a discharge of 1,061 gallons per minute.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along the south side of Montana Ave., approximately 3-feet north of and parallel to the southern right-of-way line of Montana Ave. This sewer main only fronts 10110 Montana Ave. This sanitary sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer main located along a 15-foot sewer easement within the subject property, east of and parallel the western property line of 10110 Montana Ave. This sewer main is available for service.

No building, reservoir, structure, parking stalls, private lines, or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on, within or between the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

There is an existing 8-inch diameter sanitary sewer that extends along Wedgewood St. located 40-feet east and parallel to the western right-of-way line. This main is available for service.

General

Montana Ave. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Montana Ave. right-of-way requires written permission from TxDOT.

EPWater records do not indicate any existing water or sanitary sewer mains within the existing 10-foot utility easements at the east and west property line of 10110 and 10120 Montana respectively.

During the site improvement work, the Owner/Developer shall safeguard all existing water mains, sewer mains, and appurtenant structures. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the cost of setting appurtenant structures to final grade.

An application for water and sanitary sewer services should be submitted 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property, and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

El Paso Water - Stormwater

We have reviewed the property described above and provide the following comments:

1. Provide an acceptable drainage plan in accordance with Section 19.01.050 of the current City Ordinance.
2. The developer previously asked permission to connect to the stormwater pond in the rear. This property is not identified as part of any watershed considered in the design and capacity of the pond, so he needs to provide a drainage study, signed and sealed by a Professional Engineer from the state of Texas that can prove that the pond can handle this additional runoff.

3. The developer shall be responsible for the additional stormwater runoff generated by the proposed property, and must ensure that the historic runoff volume, peak and duration are maintained.
4. EPW - Stormwater Engineering recommends using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff and to mitigate adverse downstream drainage conditions.

TXDOT

No comments received.

ATTACHMENT 6

Ordinance No. 5458 dated November 21, 1974

TO	DATE
ZONING SECTION	
LAND PLANNING	
MAPPING SECTION	4/11/84
E.D.P. SECTION	
SPECIAL PERMIT/SITE DEVELOP. PLAN	
MPO	

REPRODUCE:

RETURN TO: *B*
By (DATE):

ORDINANCE NO: *5458*
DATE: *12/26/74*

CONTRACT: *dated 11/21/74*
CASE NO: *74-3878*

NOTES:

Amendment to Contract
~~XXXXXX~~ *dated 10/16/84*

5458

AN ORDINANCE CHANGING THE ZONING
OF A PORTION OF TRACT 1A, SECTION
39, BLOCK 80, TOWNSHIP 2, T & P RR
SURVEYS, THE PENALTY BEING AS PRO-
VIDED IN SECTION 25-10 OF THE EL PASO
CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of the following described portion of Tract 1A, Sec-
tion 39, Block 80, Township 2, T & P RR Surveys be changed as indicated
within the meaning of the Zoning Ordinance, and the zoning map of the City
be revised accordingly:

Parcel #1, from R-3 to C-3

Being the description of 1.936 acres of land out of Tract 1A, Section 39,
Block 80, Township 2, Texas and Pacific Railroad Surveys, City of El Paso,
El Paso County, Texas, and being more fully described by metes and bounds
as follows:

Beginning at a point for the northeast corner of the parcel herein described,
said point being on the southerly right of way line of U. S. Highway No. 62
(Montana Avenue-200 feet wide) and from which point the intersection of the
southerly right of way line of said U. S. Highway No. 62 with the westerly
right of way line of Lorne Road (60 feet wide) bears North 81° 13' 30" East
a distance of 675.47 feet;

Thence South 1° 02' East a distance of 215.38 feet to a point for the northeast
corner of the Scotsdale Ponding Area;

Thence South 81° 13' 30" West a distance of 395.14 feet to a point on the
easterly line of Scotsdale Unit 2A;

Thence North 1° 02' West a distance of 215.38 feet along the easterly line
of Scotsdale Unit 2A to a point on the southerly right of way line of U. S.
Highway No. 62;

Thence North 81° 13' 30" East a distance of 395.14 feet along the southerly
right of way line of U. S. Highway No. 62 to the point of beginning.

Parcel #2, from R-3 to C-1

Being the description of 6.827 acres of land out of Tract 1A, Section 39,
Block 80, Township 2, Texas and Pacific Railroad Surveys, City of El Paso,
El Paso County, Texas, and being more fully described by metes and bounds
as follows:

-1-

5458

Contract Amendment (10/16/84)

74-3878

74-3878

Exhibit "B"
10/2

Beginning at a point for the intersection of the southerly right of way line of U. S. Highway No. 62 (Montana Avenue-200 feet wide) with the westerly right of way line of Lorne Road (60 feet wide), said point being the north-east corner of the parcel herein described;

Thence South $8^{\circ} 46' 30''$ East a distance of 100.00 feet along the westerly right of way line of Lorne Road to a point;

Thence 85.12 feet along the westerly right of way line of Lorne Road which is a curve to the right having a central angle of $7^{\circ} 44' 30''$, a radius of 630.00 feet and a long chord which bears South $4^{\circ} 54' 15''$ East a distance of 85.05 feet to a point;

Thence South $1^{\circ} 02'$ East a distance of 247.71 feet along the westerly right of way line of Lorne Road to a point on the southerly line of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas;

Thence South $81^{\circ} 13' 30''$ West a distance of 694.86 feet along the southerly line of said Tract 1A to a point on the easterly line of the Scotsdale Ponding Area;

Thence North $1^{\circ} 02'$ West a distance of 433.97 feet to a point on the southerly right of way line of U. S. Highway No. 62;

Thence North $81^{\circ} 13' 30''$ East a distance of 675.47 feet along the southerly right of way line of U. S. Highway No. 62 to the point of beginning.

PASSED AND APPROVED this 26th day of December

1974.

Tom Henry
Mayor

ATTEST:

W. R. Rees
City Clerk

Certify that the zoning map has been revised to reflect the amendment of ordinance 5458 Date 2-2-75

I CERTIFY THAT THE FOLLOWING ZONING MAP

2-28-75
2-28-75
2-28-75
2-28-75
COUNTER
ORIGINAL
CONTROL
Inspection
CONTROL

5458

74-3878

Exhibit "B"
2d2

Portion of Tract I-K, Section 39, Block 80, Township 2
T & P RR Surveys, City of El Paso, El Paso County, Texas

PREPARED FOR: Mr. George Ayoub

PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Tract I-K, Section 39,
Block 80, Township 2, T & P RR Surveys, City of El Paso, El Paso County,
Texas and being more particularly described by metes and bounds as follows
to wit:

Beginning at a point, said point being the intersection of the southerly
right-of-way line of U.S. Highway No. 62 (Montana Avenue) with the westerly
right-of-way line of Lorne Road;

Thence South $08^{\circ} 46' 31''$ East along the westerly right-of-way line of Lorne
Road a distance of 100.00 feet;

Thence 85.12 feet along the aforesaid westerly right-of-way line and along
the arc of a curve to the right whose radius is 630.00 feet, whose interior
angle is $7^{\circ} 44' 30''$ and whose long chord bears South $04^{\circ} 54' 15''$ East a
distance of 85.05 feet;

Thence South $01^{\circ} 02'$ East along the aforesaid right-of-way line a distance
of 117.13 feet;

Thence South $81^{\circ} 13' 30''$ West a distance of 121.10 feet;

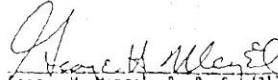
Thence South $01^{\circ} 02'$ East a distance of 130.28 feet;

Thence South $81^{\circ} 13' 30''$ West a distance of 142.74 feet;

Thence North $01^{\circ} 02'$ West a distance of 433.86 feet;

Thence North $01^{\circ} 12'$ East along the southerly right-of-way line of
U.S. Highway No. 62 a distance of 244.46 feet to the POINT OF BEGINNING
and containing in all 96382.23 square feet or 2.21263 acres of land more
or less.

MENGEL ENGINEERING, INC.


George H. Mengel, R. P. S. 12172

November 23, 1983

EXH. "A"

Exhibit "C"
101

74-
3898

m Block

CONTRACT

This contract, made this 21 day of November, 1974,
by and between GEORGE J. AYOUB, HALEM A. AYOUB and YAZBIK DAW,
copartners doing business as MONTANA & LORNE JOINT VENTURE, First
Parties; MAURICE MEYER, JR., GEORGE C. FRASER, III
and GEORGE A. WILSON, Trustees of TEXAS PACIFIC
LAND TRUST, Second Parties; and the CITY OF EL PASO, Third Party,
witnesseth:

Application has been made to the City of El Paso for rezoning of a
portion of Tract 1A, Section 39, Block R0, Township 2, Texas & Pacific
Railroad Company Surveys, in the City of El Paso, El Paso County, Texas,
such property being more particularly described in Ordinance No. 5458,
now pending before the City Council of the City of El Paso, a copy of which
is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties
covenant that if the property is rezoned as indicated in the attached ordinance,
it shall be subject to the following restrictions, conditions and covenants:

1. No building permits will be issued for construction on the property
until site development and architectural plans of the proposed development
thereon have been reviewed and approved by the City Plan Commission of the
City of El Paso.

2. No building, structure, or part thereof, shall be placed on the
property closer than sixty feet to the northerly boundary of the property.

This agreement is a restriction, condition and covenant running with
the land and a charge and servitude thereon, and shall bind First Parties,
Second Parties and their successors in title. Any future conveyance of the
land shall contain this restriction, condition and covenant and shall embody
this agreement by express reference.

74-3878

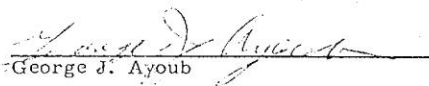
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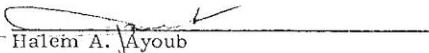
Exhibit A

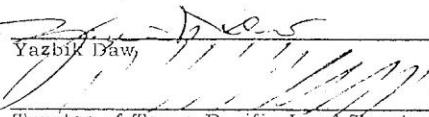
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

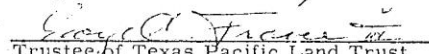
WITNESS the following signatures and seal:

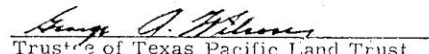

George J. Ayoub


Halem A. Ayoub

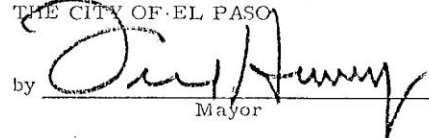

Yazbik Daw

Trustee of Texas Pacific Land Trust



Trustee of Texas Pacific Land Trust


Trustee of Texas Pacific Land Trust

THE CITY OF EL PASO

by 
Mayor

ATTEST:


City Clerk

THE STATE OF TEXAS)
COUNTY OF EL PASO)

AMENDMENT TO CONTRACT

This amendment to contract is made this 3rd day of APRIL, 1984, by and between Charles E. Black, Sr., Charles E. Black, Jr., Bill Walker and Vicki Walker, First Parties and the City of El Paso, Second Party.

WHEREAS, by contract dated November 21, 1974, recorded in Book 568, Page 39, of the Deed Records of El Paso County, Texas, the Second Party, and George J. Ayoub, Halem A. Ayoub and Yazbik Daw, copartners doing business as Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust, placed certain restrictions, conditions and covenants on a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, in the City of El Paso, El Paso County, Texas. Said Contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and binding upon the successors in title. Reference is hereby made to such contract, which is attached hereto as Exhibit "A," for the provisions thereof, and

WHEREAS, the First Parties are successors in title to Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust as to a portion of the property restricted by Exhibit "A." The property of the First Parties being a portion of Tract 1-K, Section 39, Block 80, Township 2, T & P RR Surveys, City of El Paso, County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "B," which is made a part hereof by reference,

NOW, THEREFORE, the parties do hereby mutually agree as follows:

1. In consideration of the premises, the First and Second Parties agree that restriction No. 2 of the above-described contract, Exhibit "A," as it pertains to the above-described property in Exhibit "B," is hereby amended to read as follows:

2. No building, structure or part thereof, shall be placed on the property closer than forty (40) feet to the northerly boundary of the property.

74-3878

2559

"Exhibit D"
143

2. In all other respects such contract, Exhibit "A," shall remain unchanged.

FIRST PARTIES

Charles E. Black, Sr.
Charles E. Black, Sr.

Charles E. Black, Jr.
Charles E. Black, Jr.

Bill Walker
Bill Walker

Vicki Walker
Vicki Walker

SECOND PARTY

City of El Paso

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Planning Department

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 9 day of April, 1984, by Charles E. Black, Sr.

[Signature]
Notary Public, State of Texas

My Commission Expires: 12/14/87

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instruments was acknowledged before me on this 9 day of April, 1984, by Charles E. Black, Jr.

[Signature]
Notary Public, State of Texas

My Commission Expires: 12/16/87

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 9 day of April, 1984, by Bill Walker.

[Signature]
Notary Public, State of Texas

My Commission Expires: 12/16/87

74-3878

Portion of Tract 1-K, Section 39, Block 80, Township 2
T & P RR Surveys, City of El Paso, El Paso County, Texas

PREPARED FOR: Mr. George Ayoub

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angle is $7^{\circ} 44' 30''$ and whose long chord bears South $04^{\circ} 54' 15''$ East a
distance of 85.05 feet;

Thence South $01^{\circ} 02'$ East along the aforesaid right-of-way line a distance
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Thence South $81^{\circ} 13' 30''$ West a distance of 121.10 feet;

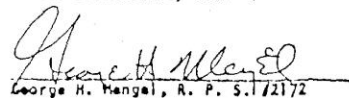
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MENGEL ENGINEERING, INC.


George H. Mengel, R. P. S. 1/21/72

November 23, 1983

EXH. A

74-3878

Exhibit D
30/3

THE STATE OF TEXAS)
COUNTY OF EL PASO)

AMENDMENT TO CONTRACT

This amendment to contract is made this 3rd day of April, 1984, by and between Charles E. Black, Sr., Charles E. Black, Jr., Bill Walker and Vicki Walker, First Parties and the City of El Paso, Second Party.

WHEREAS, by contract dated November 21, 1974, recorded in Book 568, Page 39, of the Deed Records of El Paso County, Texas, the Second Party, and George J. Ayoub, Halem A. Ayoub and Yazbik Daw, copartners doing business as Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust, placed certain restrictions, conditions and covenants on a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, in the City of El Paso, El Paso County, Texas. Said Contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and binding upon the successors in title. Reference is hereby made to such contract, which is attached hereto as Exhibit "A," for the provisions thereof, and

WHEREAS, the First Parties are successors in title to Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust as to a portion of the property restricted by Exhibit "A." The property of the First Parties being a portion of Tract 1-K, Section 39, Block 80, Township 2, T & P RR Surveys, City of El Paso, County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "B," which is made a part hereof by reference,

NOW, THEREFORE, the parties do hereby mutually agree as follows:

1. In consideration of the premises, the First and Second Parties agree that restriction No. 2 of the above-described contract, Exhibit "A," as it pertains to the above-described property in Exhibit "B," is hereby amended to read as follows:

2. No building, structure or part thereof, shall be placed on the property closer than forty (40) feet to the northerly boundary of the property.

*Ord # 5458 (12/26/74)
Contract (11/21/74)*

74-3878

2. In all other respects such contract, Exhibit "A," shall remain unchanged.

FIRST PARTIES

Charles E. Black, Sr.
Charles E. Black, Sr.

Charles E. Black, Jr.
Charles E. Black, Jr.

Bill Walker
Bill Walker

Vicki Walker
Vicki Walker

SECOND PARTY

City of El Paso

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

I CERTIFY THAT THE ZONING MAP
HAS BEEN REVISED TO REFLECT THE
CHANGE OF THIS AMENDMENT TO CONTRACT
DATED 4-3-84. 5-16-84

APPROVED AS TO CONTENT

[Signature]
Planning Department

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument was acknowledged before me on this 9 day of
April, 1984, by Charles E. Black, Sr.

[Signature]
Notary Public, State of Texas

My Commission Expires:

12/16/87

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instruments was acknowledged before me on this 1 day of
April, 1984, by Charles E. Black, Jr.

[Signature]
Notary Public, State of Texas

My Commission Expires:

12/16/87

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument was acknowledged before me on this 9 day of
April, 1984, by Bill Walker.

[Signature]
Notary Public, State of Texas

My Commission Expires:

12/16/87

74-3878

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 7 day of April, 1984, by Vicki Walker.

[Signature]
Notary Public, State of Texas

My Commission Expires:

12/16/87

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 3rd day of April, 1984, by JONATHAN W. ROGERS, as Mayor of the City of El Paso.

[Signature]
Notary Public, State of Texas

My Commission Expires:

10/31/87

74-3878

APR 10 1984

CLERK OF DISTRICT COURT
EL PASO, TEXAS

m Block

CONTRACT

This contract, made this 21 day of November, 1974,
by and between GEORGE J. AYOUB, HALEM A. AYOUB and YAZBIK DAW,
copartners doing business as MONTANA & LORNE JOINT VENTURE, First
Parties; MAURICE MEYER, JR., GEORGE C. FRASER, III,
and GEORGE A. WILSON, Trustees of TEXAS PACIFIC
LAND TRUST, Second Parties; and the CITY OF EL PASO, Third Party,
witnesseth:

Application has been made to the City of El Paso for rezoning of a
portion of Tract 1A, Section 39, Block R0, Township 2, Texas & Pacific
Railroad Company Surveys, in the City of El Paso, El Paso County, Texas,
such property being more particularly described in Ordinance No. 5458,
now pending before the City Council of the City of El Paso, a copy of which
is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties
covenant that if the property is rezoned as indicated in the attached ordinance,
it shall be subject to the following restrictions, conditions and covenants:

1. No building permits will be issued for construction on the property
until site development and architectural plans of the proposed development
thereon have been reviewed and approved by the City Plan Commission of the
City of El Paso.

2. No building, structure, or part thereof, shall be placed on the
property closer than sixty feet to the northerly boundary of the property.

This agreement is a restriction, condition and covenant running with
the land and a charge and servitude thereon, and shall bind First Parties,
Second Parties and their successors in title. Any future conveyance of the
land shall contain this restriction, condition and covenant and shall embody
this agreement by express reference.

74-3878

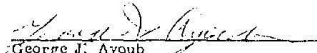
74-3878

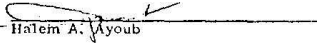
Exhibit A

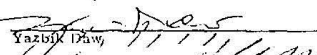
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

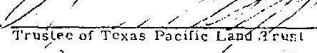
Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

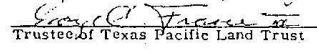
WITNESS the following signatures and seal:

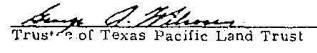

George J. Ayoub


Haleem A. Ayoub


Yazbek Daw


Trustee of Texas Pacific Land Trust


Trustee of Texas Pacific Land Trust


Trustee of Texas Pacific Land Trust

THE CITY OF EL PASO

by 
Mayor

ATTEST:


City Clerk

74-3878

74-3878

Portion of Tract 1-K, Section 39, Block 80, Township 2
T & P RR Surveys, City of El Paso, El Paso County, Texas

PREPARED FOR: Mr. George Ayoub

PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Tract 1-K, Section 39, Block 80, Township 2, T & P RR Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Beginning at a point, said point being the intersection of the southerly right-of-way line of U.S. Highway No. 62 (Montana Avenue) with the westerly right-of-way line of Lorne Road;

Thence South $08^{\circ} 46' 31''$ East along the westerly right-of-way line of Lorne Road a distance of 100.00 feet;

Thence 85.12 feet along the aforesaid westerly right-of-way line and along the arc of a curve to the right whose radius is 630.00 feet, whose interior angle is $7^{\circ} 44' 30''$ and whose long chord bears South $04^{\circ} 54' 15''$ East a distance of 85.05 feet;

Thence South $01^{\circ} 02'$ East along the aforesaid right-of-way line a distance of 117.13 feet;

Thence South $81^{\circ} 13' 30''$ West a distance of 121.10 feet;

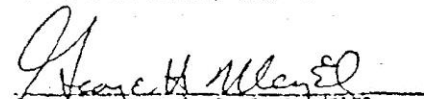
Thence South $01^{\circ} 02'$ East a distance of 130.29 feet;

Thence South $81^{\circ} 13' 30''$ West a distance of 142.74 feet;

Thence North $01^{\circ} 02'$ West a distance of 433.86 feet;

Thence North $81^{\circ} 12'$ East along the southerly right-of-way line of U.S. Highway No. 62 a distance of 244.46 feet to the POINT OF BEGINNING and containing in all 96382.23 square feet or 2.21263 acres of land more or less.

MENGEL ENGINEERING, INC.


George H. Mengel, R. P. S. 1/2172

44-3878

November 23, 1983

Exhibit F

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an amendment to a contract with CHARLES E. BLACK, SR., CHARLES E. BLACK, JR., BILL WALKER AND VICKI WALKER amending the restrictions, conditions and covenants placed on the property which was rezoned by Ordinance 5458.

ADOPTED this 3rd day of APRIL, 1984.

Jonathan W. Rogers
Mayor

ATTEST:

W. R. Rojas
City Clerk

APPROVED AS TO FORM:

Cherion Cullen-Orney
Assistant City Attorney

74-3878

APR 10 1984

RECEIVED
CITY PLANNING

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract amendment between the CITY OF EL PASO and CHARLES E. BLACK, SR., CHARLES E. BLACK, JR., BILL WALKER and VICKI WALKER, amending the contract between the City of El Paso and George J. Ayoub, Halem A. Ayoub and Hazbik, co-partners d/b/a Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III., and George A. Wilson, Trustees of Texas Pacific Land Trust, whereby certain restrictions, conditions and covenants were placed on a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys in the City of El Paso, El Paso County, Texas.

Adopted this 16th day of October, 1984.

E. W. Joe Quinn
Mayor MAYOR PRO-TEM

ATTEST:

W. M. Regis
City Clerk

APPROVED AS TO FORM:

George A. Wilson
Assistant City Attorney

74-3878

THE STATE OF TEXAS)
COUNTY OF EL PASO)

CONTRACT AMENDMENT

This contract amendment is made this 16th day of October, 1984, by and between CHARLES E. BLACK, SR., CHARLES E. BLACK, JR., BILL WALKER AND VICKI WALKER, First Parties, and the CITY OF EL PASO, Second Party, Witnesseth:

WHEREAS, by contract dated November 21, 1974, recorded in Book 568, page 39 of the Deed Records of El Paso County, Texas, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference, George J. Ayoub, Halem A. Ayoub and Yazbik Daw, co-partners doing business as MONTANA & LORNE JOINT VENTURE and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust, and the CITY OF EL PASO, placed certain restrictions, conditions and covenants on a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5458 of the City of El Paso, a copy of which is attached hereto marked Exhibit "B" and made a part hereof by reference. Said contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and binding upon the successors in title, and

WHEREAS, the First Parties are the successors in title to MONTANA & LORNE, JOINT VENTURE and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust, as to a portion of the property restricted by Exhibit "A." The property of the First Parties being a portion of Tract 1-K, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, which is more particularly described by metes and bounds in the attached Exhibit "C" which is made a part hereof by reference, and

WHEREAS, by Contract Amendment dated April 3, 1984, recorded in Book 1441, page 0283 of the Deed Records of El Paso County, Texas, a

74-3878

Ord 5458 (12/26/74)

copy of which is attached hereto marked Exhibit "D" and made a part hereof by reference. The First Parties and the City of El Paso amended the contract referred to herein as Exhibit "A" and the Parties hereto now desire to further amend such contract as hereinafter provided,

NOW THEREFORE, the Parties do mutually agree as follows:

1. In consideration of the premises, the First and Second Parties agree that Restriction No. 2 of the above-described contract, Exhibit "A" and its Contract Amendment, Exhibit "D" as it pertains to the above-described property in Exhibit "C" is hereby amended to read as follows:
 2. No building, structure or part thereof, shall be placed on the property closer than forty (40) feet to the northerly boundary of the property except for the following exception. One on-premise sign will be permitted within the forty (40) foot setback, however, such sign shall be removed at the property owner's sole expense, upon request by the City Engineer of the City of EL Paso at such time as further right-of-way is needed for the widening of Montana Avenue.
2. To the extent not herein amended, the contract referred to herein as Exhibit "A" and the contract amendment referred to herein as Exhibit "D" shall continue in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTIES


Charles E. Black, Sr.

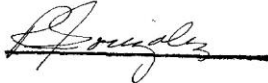

Charles E. Black, Jr.


Bill Walker


Vicki Walker

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: C.D.
 COUNTER
 ORIGINAL

10-19-84 CONTROL



THE CITY OF EL PASO
Second Party

By 
Mayor MAYOR PRO-TEM

74-3878

ATTEST:

Ann Regis
City Clerk

APPROVED AS TO CONTENT:

Rudy Valdez
Planning Department

THE STATE OF TEXAS)
COUNTY OF EL PASO)

APPROVED AS TO FORM:

Ann A. Buller-Murray
Assistant City Attorney

This instrument was acknowledged before me on this 12 day of October, 1984, by Charles E. Black, Sr., Charles E. Black, Jr., Bill Walker, and Vicki Walker.

Annette Buehler
Notary Public, State of Texas

My Commission Expires:

8-16-84

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 16th day of October, 1984, by JONATHAN W. ROGERS, Mayor for the City of El Paso. E.W. Joe Davis PRO TEM

Billie Jean Beahm
Notary Public, State of Texas

My Commission Expires:

6/30/88

74-3878